IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.910 OF 2006
IN
APPEAL FROM ORDER ST. NO.22196 OF 2006

Ram Lakhan Harihar Singh. ..Applicant.

V/s.

Joga Singh Sadhu Singh Bains
& ors. ..Respondents.

Mr.S.S.Swami for applicant.

CORAM: A.M.KHANWILKAR,J

DATE : FEBRUARY 2, 2007.

P.C. :

1. Heard counsel for the applicant. None appears for the respondent though served. Respondent No.1 has filed reply to oppose this application. However, on perusal of the pleadings, in my opinion, in the interest of justice, delay being only of 40 days deserves to be condoned, as sufficient cause has been made out in the application.

2. According to the respondent No.1 the fact that the applicant was pursuing the matters before other authorities for obtaining relevant documents cannot be said to be sufficient cause.

3. It cannot be overlooked that the applicant was under mistaken belief and perhaps ill-advised that obtaining documents from other authorities was prerequisite for filing of the appeal. It is not a case that the applicant had slept over the matter.

4. Taking over all view of the matter, the application is allowed in terms of prayer clause(a).